REMARKS

The Final Office Action of October 14, 2009, has been received and reviewed. Claims 1 through 112 are currently pending in the application, of which claims 26 through 39 are currently under examination. Claims 1 through 25, and 40 through 112 are withdrawn from consideration as being drawn to a non-elected invention. Applicants have cancelled claims 27 and 34. Applicants have amended claims 26, 29, 30, 33 and 36, and respectfully request reconsideration of the application as proposed to be amended herein.

Claim 26 is amended herein, in part, to include subject matter previously presented in dependent claim 27. Claim 26 is amended herein to recite, in part, "responsive to the at least one patron placing the at least one first wager, providing the at least one patron with at least one wager option including the at least one runner and an opportunity to place at least one second wager on the race by selecting the at least one wager option." Support for the amendment is found in the as-filed specification at least at paragraphs [0062], [0069], and [0070] and FIGS. 19, 23, and 24.

Claim 33 is amended herein, in part, to include subject matter previously presented in dependent claim 34. Claim 33 is amended herein to recite, in part, "responsive to the at least one patron placing the at least one first wager with the input device, the at least one patron is presented with at least one wager option including the at least one runner and an opportunity to place at least one second wager on the race displayed on the display element by selecting the at least one wager option with the input device." Support for the amendment is found in the as-filed specification at least at paragraphs [0062], [0069], and [0070] and FIGS. 19, 23, and 24.

Dependent claims 29, 30, and 36 are amended herein to improve antecedent basis in light of the amendments to independent claims 26 and 33.

35 U.S.C. § 102(e) Anticipation Rejections

Anticipation Rejection Based on U.S. Patent Publication No. 2003/0125822 to LaNeve

Claims 26 through 39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by LaNeve (U.S. Patent Publication No. 2003/0125822). Claims 27 and 34 have been canceled

herein. Applicants respectfully traverse the rejection of claims 26, 28 through 33, and 35 through 39, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Unless a single prior art reference describes "all of the limitations claimed" and "all of the limitations [are] arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102." *Net MoneyIN Inc. v. VeriSign Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008). A single prior art reference must "clearly and unequivocally" describe the claimed invention "without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference." *Id.* at 19 (citing *In re Arkley*, 455 F.2d 586, 587 (C.C.P.A. 1972)).

LaNeve does not anticipate claims 26 and 28 through 32 because LaNeve does not expressly or inherently describe each and every element of independent claim 26. Specifically, LaNeve does not describe "responsive to the at least one patron placing the at least one first wager, providing the at least one patron with at least one wager option including the at least one runner and an opportunity to place at least one second wager on the race by selecting the at least one wager option," as recited in claim 26, as amended herein. Rather, LaNeve describes that after the user selects the probable payout value on FIG. 4 corresponding to a wager type, the selection is then displayed to the user in the selection window 208 of FIG. 3, and the wager may be placed by the user by selecting the "SUBMIT" button displayed in the interface of FIG. 3. *LaNeve* at paragraph [0039]. Also, FIG. 5 of LaNeve illustrates an exemplary graphical user interface for providing information to a user associated with races within a multiple race wager group. *Id.* at paragraphs [0044]-[0045]. FIG. 5 is shown with two selection windows 208 so that the wager from each race, required, for example, for a daily double wager, may be placed by the user *at the same time* by selecting the "SUBMIT" button. If a user in LaNeve wishes to place an additional wager on the race after submitting the first wager, the user will have to restart the

wagering system. *See LaNeve* at FIG. 6 (illustrating that the wagering system of LaNeve stops after a first bet has been placed). By restarting the wagering system, the user in LaNeve will have to reenter the desired race, select the runner to view to view the probable payout information for the runner, select the desired probable payout value where it is upon the user to make sure that the same bet as the previous bet is not chosen, and then submit the second bet. Accordingly, the at least one wager option described in LaNeve is not responsive to the at least one patron placing the at least one first wager, but rather, requires the user to independently restart the wagering system and pick the same race parameters. Additionally, the wager option presented to the user in LaNeve will only include the at least one runner if the user chooses the same runner, not responsive to the user placing the first wager with the at least one runner. As such, LaNeve does not expressly or inherently describe responsive to the at least one patron placing the at least one first wager, providing the at least one patron with at least one wager option including the at least one runner and an opportunity to place at least one second wager on the race by selecting the at least one wager option.

Since LaNeve does not expressly or inherently describe each and every element of claim 26, Applicant respectfully requests withdrawal of the anticipation rejection of this claim.

Regarding claims 28 through 32, these claims depend from claim 26 which is allowable. Therefore, at least by virtue of their dependence from an allowable claim, claims 28 through 32 are allowable.

LaNeve does not anticipate claims 33 and 35 through 39 because LaNeve does not expressly or inherently describe each and every element of independent claim 33. Specifically, LaNeve does not disclose "responsive to the at least one patron placing the at least one first wager with the input device, the at least one patron is presented with at least one wager option including the at least one runner and an opportunity to place at least one second wager on the race displayed on the display element by selecting the at least one wager option with the input device," as recited in claim 33, as amended herein. Rather, as previously discussed regarding claim 26, LaNeve describes that after the user selects the probable payout value on FIG. 4 corresponding to a wager type, the selection is then displayed to the user in the selection window 208 of FIG. 3, and the wager may be placed by the user by selecting the "SUBMIT" button

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displayed in the interface of FIG. 3. *LaNeve* at paragraph [0039]. Also, FIG. 5 of LaNeve illustrates an exemplary graphical user interface for providing information to a user associated with races within a multiple race wager group. *Id.* at paragraphs [0044]-[0045]. FIG. 5 is shown with two selection windows 208 so that the wager from each race, required, for example, for a daily double wager, may be placed by the user *at the same time* by selecting the "SUBMIT" button. If a user in LaNeve wishes to place an additional wager on the race after submitting the first wager, the user will have to restart the wagering system. *See LaNeve* at FIG. 6 (illustrating that the wagering system of LaNeve stops after a first bet has been placed). By restarting the wagering system, the user in LaNeve will have to reenter the desired race, select the runner to view to view the probable payout information for the runner, select the desired probable payout value where it is upon the user to make sure that the same bet as the previous bet is not chosen, and then submit the second bet. Accordingly, the at least one wager option described in LaNeve is not responsive to the at least one patron placing the at least one first wager with the input device, but rather, requires the user to independently restart the wagering system and pick the same race parameters. Additionally, the wager option presented to the user in LaNeve will only include the at least one runner if the user chooses the same runner, not responsive to the user placing the first wager with the at least one runner. As such, LaNeve does not expressly or inherently describe responsive to the at least one patron placing the at least one first wager with the input device, the at least one patron is presented with at least one wager option including the at least one runner and an opportunity to place at least one second wager on the race displayed on the display element by selecting the at least one wager option with the input device.

Since LaNeve does not expressly or inherently describe each and every element of claim 33, Applicant respectfully requests withdrawal of the anticipation rejection of this claim.

Regarding claims 35 through 39, these claims depend from claim 33 which is allowable. Therefore, at least by virtue of their dependence from an allowable claim, claims 34 through 39 are allowable
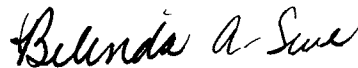
ENTRY OF AMENDMENTS

The amendments to claims 26, 29, 30, 33 and 36 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application.

CONCLUSION

Claims 26, 28 through 33, and 35 through 39 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

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Date: January 12, 2010
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Document in ProLaw